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ABSTRACT

The increasingly complex environment in which colleges and universities now operate has spawned a set of requirements for accountability with which institutions and therefore faculty must comply. Although academic freedom and tenure provide important protections for faculty, they are not unlimited. At the same time, institutions face a myriad of new pressures and responsibilities, such as the need to account for monies from a variety of sources, and to deal with appropriate levels of outside faculty consulting and faculty internal workloads. There are pressures to review faculty performance in teaching, research, and service. In response primarily to external constituencies, colleges and universities are being compelled to confront areas of traditional faculty autonomy. Joint faculty/administrative groups should resolve such issues and institutional priorities for academic programming, workload and productivity expectations, faculty research contracts, sexual harassment, allegations of fraud in research, research products with patent potential, faculty evaluation measures, and professional ethics. (LB)

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Faculty Freedoms and Institutional Accountability: Interactions and Conflicts

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For nearly three-quarters of a century, academic freedom has protected college faculty in the United States from external control over or inquiry into their teaching methods, the content of their classroom lectures, and the research topics they choose to investigate. Tenure, a legally enforceable set of procedural protections created to secure faculty academic freedom, insulates faculty against most of the traditional sources of external interference, such as a benefactor's discomfort with faculty views, governmental scrutiny of faculty political behavior, or attempts to suppress the teaching of certain doctrines or philosophies.

The increasingly complex environment in which colleges and universities now operate, however, has spawned a set of requirements for accountability with which institutions, and through them faculty, must comply. Faculty are being required to account for the allocation of their time among teaching, service, and research projects to satisfy funding agencies' requirements that the recipients of grants devote the appropriate amount of time to the project. Limitations are being enacted on the amount of time faculty may spend (and, in some cases, the amount of money that can be earned) in outside consulting. Faculty relationships with students are becoming a legal and a moral issue on campus. The rapidity with which these requirements have arrived on campus, and their pervasiveness, suggest a clash with the traditional academic freedom and autonomy enjoyed by college faculty.

How Free Are Faculty?

Academic freedom and tenure provide important protections to faculty members; they are of special importance to the maintenance of the intellectual vitality and creativity of American colleges and universities. Tenure ensures the economic security of the professor and guarantees that due process will be afforded the faculty member should the position be threatened.

While academic freedom and tenure provide important protections, those protections are not unlimited, and faculty with tenure can be removed for cause or in times of financial distress. For example, academic freedom protects faculty from retaliation for the expression of unpopular political or religious beliefs, but it does not immunize faculty against charges of insubordination, neglect of duty, or interference with the efficient operation of the institution. Teaching and classroom discussion are protected by academic freedom, but incompetence is not. Faculty choice of research topics and methodologies is covered by academic freedom, but research fraud or other forms of dishonesty in designing, conducting, and reporting research do not fall under the protections of academic freedom. And while academic freedom permits a faculty member to exercise all the rights that other citizens enjoy, it does not forgive the violation of civil or criminal laws, the abuse of students, gross insubordination, and private misconduct, often labeled "moral turpitude."

How Does Institutional Accountability Affect the Regulation of Faculty Conduct?

Institutions today face a myriad of new pressures and responsibilities. Foremost among them is the need to account for monies received from private donors, state legislatures, and grantors, including private industry, the federal government, and foundations. To meet these heightened responsibilities, institutions are developing new measures of faculty work and implementing new regulations over faculty time and effort.

Several areas in particular have been the focus of institutional rule making. Because faculty outside work performed during the academic year is viewed by the external business community as subsidized competition and by state legislators as a form of double dipping, institutions have enacted limitations on permissible levels of outside consulting. The most common practice is to limit remunerated consulting to no more than one day per calendar week. Consulting in excess of this limitation has been held to be a valid basis for termination of appointment.

The regulation of faculty members' internal workloads is also increasing, and failure by faculty to accept assignments or faculty members' disruption of the internal management of an institution has resulted in dismissals for insubordination. The prohibitions

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on use of inappropriate criteria for academic decisions, such as those that fall into the category of sexual harassment, further circumscribe the internal conduct of faculty.

Driven by the need for more revenue and a fair financial return for providing a conducive and creative environment, colleges are increasingly exercising their rights of legal ownership over the work product of faculty. Inventions that may be patented and software that may be copyrighted no longer solely belong to the creator or author but are the property rights of the university. The potentially lucrative arrangements between industry and the inventive faculty member also generate an institutional concern over conflict of interest.

Why Review Faculty Performance?

The pressures to regulate faculty time, effort, and behavior also force institutions to examine the substantive performance of faculty. Simply fulfilling the objective time requirements of the job does not ensure quality of performance in assigned duties. The most common criticism of tenure is that it provides a sinecure for the incompetent faculty member.

Periodic review of faculty members' performance in teaching, research, and service is one answer to the increasing demand that faculty competence be examined. It is one way for institutions to document that the expediture of salary funds is proper and to guarantee to students that the education they receive is of appropriate quality. Evaluating the continued competence of faculty does not infringe on faculty freedoms as competence is a condition of tenure.

How Does Accountability Affect the Institutional Environment?

Colleges and universities, in response primarily to external constituencies, are being compelled to promulgate and enforce limitations in areas of traditional faculty autonomy. Regulations governing outside consulting, conflict of interest, ownership of patents and copyrights, sexual harassment, and periodic reviews of faculty competence all may be perceived to confine the traditional freedoms of faculty. Moreover, violations of these rules become valid cause for the discipline or dismissal of faculty. The overall effect of increasing regulation makes higher education a less desirable environment in which to work.

Instrinsic factors such as autonomy and freedom contribute most to faculty satisfaction. Yet while these new limitations may be legal, necessary, and not technically inconsistent with academic freedom as it has evolved, they do seriously affect job satisfaction. The need to adopt such rules is unavoidable, however, and the answer to lessening their negative impact must therefore lie in the manner in which the rules are formulated and adopted.

Faculty should be actively involved in the creation or modification of institutional policies or structures designed to address requirements for accountability. Joint faculty/administrative groups should discuss and resolve the following issues if these new demands for accountability are to be resolved with minimum resentment from the faculty:

- institutional priorities for academic programming
- the parameters of full-time faculty work and the institution's expectations for faculty productivity
- the institution's method of overseeing faculty research contracts to prevent conflicts of interest
- the regulation of faculty/student interaction and the prevention of instances of sexual harassment
- the institution's procedures for responding to an allegation of fraud in research
- the institution's stance regarding research products that have the potential for returning a profit to the patent or copyright holder
- the design and implementation of a complete system of faculty performance evaluation
- the development of a mechanism that will stimulate continued attention to and discussion of issues of professional ethics, academic accountability, and academic freedom.

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